

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

**ENGINEER:** Dale Bickel  
**TELEPHONE:** (202) 418-2706  
**FACSIMILE:** (202) 418-1410  
**E-MAIL:** [dale.bickel@fcc.gov](mailto:dale.bickel@fcc.gov)

July 8, 2015

Roy E. Henderson  
13999 S. West Bayshore Drive  
Traverse City, MI 49684-6206

Re: WCUZ (FM), Bear Lake, MI  
Roy E. Henderson  
Facility Identification Number: 57416  
Special Temporary Authority ("STA")  
BSTA-20150619AAC  
Silent STA BLSTA-20150206AAM

Dear Mr. Henderson:

This is in reference to the request filed June 19, 2015, on behalf of Roy E. Henderson ("Henderson"). Henderson requests special temporary authority ("STA") to operate station WCUZ with temporary facilities at a different transmitter site, because the station was required to vacate its licensed transmitter site. This station was taken silent by the licensee on January 21, 2015. Henderson must return WCUZ to operating status **no later than January 21, 2016** to avoid automatic cancellation of the station's license pursuant to Section 312(g) of the Communications Act.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service<sup>1</sup> to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area<sup>2</sup> without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

In the present instance, the community of license (Bear Lake, MI) lies approximately 7 km outside the nearest point on the 60 dBu contour of the proposed temporary STA facility. But we conclude that the proposed temporary facilities will allow silent WCUZ to restore operation promptly. The STA IS GRANTED. We expect that WCUZ shall continue the temporary operation authorized herein, through the term of this STA period or until the licensee implements permanent operations at a new site. Extension requests for this STA may be granted by the staff if circumstances warrant.

---

<sup>1</sup> For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

<sup>2</sup> For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Accordingly, WCUZ may operate from the temporary transmitter site with the following facilities:

Geographic coordinates:	44° 36' 38" N, 86° 09' 38" W (NAD 27)
Channel	261A (100.1 MHz)
Effective radiated power:	0.39 kilowatts (H&V)
Antenna height:	
above ground:	80 meters
above mean sea level:	342 meters
above average terrain:	129 meters
Antenna Structure Registration No:	1023398

**On the same date that WCUZ commences operations pursuant to this STA, the licensee (or its representative) shall confirm the start of STA operations via an e-mail to Dale Bickel, dale.bickel@fcc.gov.** This date will be entered into the Commission's CDBS database to indicate that the station has resumed broadcasting. Henderson must also file a Resumption of Operations notice in the Commission's CDBS database system.

Henderson must use whatever means are necessary to protect workers and the public from radiofrequency exposure in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

**This authority expires on January 4, 2016.** In light of this STA grant, further processing on silent station STA BLSTA-20150206AAM is no longer necessary, and it is dismissed.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [**ending January 21, 2016**], notwithstanding the grant of the present STA. See Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and Order, Silent Station Authorizations, FCC 96-218 (released May 17, 1996). See also Public Notice, *Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). Please be aware that unauthorized operations – operations with facilities not authorized by a current STA or license – do not count as a resumption of operations within one year for the purposes of Section 312(g) of the Communications Act, and cannot be used to avoid the consequences of Section 312(g). See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603, (2008).

-----

**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Dale Bickel  
Senior Engineer  
Audio Division  
Media Bureau

cc: John C. Trent (via e-mail only)